

Attorney Docket No. 57902-01000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application : Navarro et al. Confirmation No. 3548

Serial No. : 09/374,280

Filed : August 13, 1999

Art Unit : 3739

Patent No. : 6,398,777

Issued : June 4, 2002

Assignee : Endolaser Associates, LLC

For : **ENDOVASCULAR LASER DEVICE AND TREATMENT OF
VARICOSE VEINS**

Maintenance Fee Branch
Fax No.: 571-273-6500

ASSERTION OF LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

Sir:

On December 4, 2009, Patentec, through its former attorneys, caused the 8th year maintenance fee for the above-identified patent to be paid as a SMALL ENTITY. On information and belief, Patentec may have lost its SMALL ENTITY status prior to said payment. If Patentee's SMALL ENTITY status was lost prior to payment of the 8th year maintenance fee, the underpayment was made in error and without deceptive intent.

To avoid any doubt in the matter in the event SMALL ENTITY status was lost prior to said payment, Patentec respectfully submits this ASSERTION OF LOSS OF ENTITLEMENT

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TO SMALL ENTITY STATUS and submits payment of the deficiency owed. Patentee respectfully submits \$ 1,610, that sum being the difference between the \$1,240 paid on December 4, 2009 and the \$2,850 which would be paid today for the 8th year maintenance fee of a NON-SMALL ENTITY.

Accordingly, please charge \$ 1,610 to Deposit Account No. 02-2275. No extra fees are believed due. However, if there is any additional fee, the Director is authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 02-2275.

Respectfully submitted,

LUCAS & MERCANTI, LLP

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